

Message Text

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ACTION L-02

INFO OCT-01 NEA-09 ISO-00 SS-15 PA-01 SCA-01 CU-02 AID-05

H-01 IO-10 PM-03 SP-02 CIAE-00 INR-07 NSAE-00 PRS-01

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FM AMEMBASSY MANAMA

TO SECSTATE WASHDC PRIORITY 1910

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E.O. 11652 : N/A

TAGS : PFOR, PINT, PORG

SUBJECT : HUMAN RIGHTS REPORTING

REFZGBNCE : STATE 12320

SUMMARY: BAHRAIN TODAY REFLECTS LONG TRADITION OF REGARD FOR HUMAN RIGHTS AND SOCIAL JUSTICE IN ACCORDANCE WITH ISLAMIC PRINCIPLES, SUBSTANTIAL MODERN PROGRESS IN DEVELOPING CONCEPT OF RULE OF LAW, AND RECENT INNOVATION OF CONSTITUTIONAL REPRESENTATIVE GOVERNMENT. WRITTEN CONSTITUTION METICULOUSLY DELINEATES PROTECTION OF HUMAN RIGHTS ALONG GENERAL LINES FAMILIAR TO WESTERN SOCIETIES. CURRENT PARLIAMENTARY AND PUBLIC INTEREST IN FATE OF FIVE DETAINEES HELD ON SECURITY GROUNDS UNDERSCORES VITALITY BAHRA U'S NEW CONSTITUTIONAL AND DEMOCRATIC INSTITUTIONS AND GOVERNMENT'S CAREFUL REGARD FOR HUMAN RIGHTS IN EXERCISING ITS POLICE POWERSBTV

1. FREQUENTLY EXPERIENCED POUCH DELAYS DICTATE TELEGRAPHIC RATHER THAN AIRGRAM RESPONSEIKO REFTEL.

2. IN LIGHT ITS HISTORICAL DEVELOPMENT, BAHRAIN SEEMS TO HAVE EXHIBITED REMARKABLE CONCERN FOR HUMAN POLITICAL AND SOCIAL RIGHTS IN CONTEXT ISLAMIC TRADITIONS. AFTER CENTURIES OF UNREST AND DOMINATION BY VARIOUS REGIONAL AND WORLD
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POWERS, SUNNI ARAB AL-KHALIFA FAMILY OCCUPIED BAHRAIN AND

ESTABLISHED DOMINANCE OVER PREDOMINANTLY SHIA POPULATION IN LATE 18TH CENTURY. SINCE THEN, DESPITE DIMINISHING BUT ONCE SIGNIFICANT COMMUNAL TENSIONS, CENTURY AND HALF OF BRITISH PROTECTIVE RELATIONSHIP AND 20TH CENTURY GROWING PAINS, INCLUDING INTERMITTENT POLITICAL AND LABOR UNREST, BAHRAIN RASEEMS TO HAVE EXTABLISHED A TRADITION OF SOCIAL AMITY WITH PARTICULAR AVERSION TO VIOLENT OR CRUEL IMPLEMENTATION OF POLICE POWER.

3. UPON ADVENT FULL INDEPENDENCE IN 1971, AND DESPITE FACT THAT AMIR OF BAHRAIN EMERGED AS ABSOLUTE MONARCH, EVOLUTION OF LEGAL SYSTEM UNDER ISLAMINAN BRITISH AND FRANCO/ EGYPTIAN INFLUENCES, HAD FIRMLY ESTABLISHED CONCEPT OF RULE OF LAW. IN CONSIDERING AT THAT TIME AND SINCE FEASIBILITY OF ARRANGEMENTS PERMITTING BAHRAIN TO EXERCISE CERTAIN ASPECTS OR JURISDICTION OVER U.S. MILITARY PERSONNEL STATIONED HERE, USG LEGAL IMIERTS INVESTIGATING CONTENT AND IMPLEMENTATION BAHRAINI PENAL CODE HAVE CONSISTENTLY GIVEN IT HIGH MARKS FOR PROCEDURAL SAFEGUARDS OF BASIC HUMAN RIGHTS AND, IN CONTEXT BAHRAINI CULTURAL DEVELOPMENT, A TENDENCY TO TEMPER JUSTICE WITH MERCY.

4. IN LATE 1973, BAHRAIN BECAME CONSTITUTIONAL MONARCHY WITH REPRESENTATIVE GOVERNMENT. WRITTEN CONSTITUTION (AVAILABLE IN DEPARTMENT) DEVOTES SOME 28 ARTICLES TO DEFINING AND PROTECTING HUMAN (AS WELL AS ECONOMIC AND SOCIAL) RIGHTS IN BROADEST SENSE. IT NOTES, FOR EXAMPLE:

QUOTE JUSTICE SHALL BE THE FOUNDATION OF GOVERNMENT; COOPERATION AND MUTUAL KINDNESS SHALL BE FIRM BONDS AMONG CITIZENS. UNQUOTE

QUOTE THE NATIONAL ECONOMY SHALL BE BASED ON SOCIAL JUSTICE. UNQUOTE

QUOTE CITIZENS SHALL BE EQUAL IN HOLDING PUBLIC APPOINTMENTS. UNQUOTE

QUOTE ALL PEOPLE SHALL BE EQUAL IN HUMAN DIGNITY, AND CITIZENS SHALL BE EQUAL IN PUBLIC RIGHTS AND DSTIES IN THE EYE OF THE LAW, WITHOUT DISCRIMINATION BECAUSE OF RACE, ORIGIN, LANGUAGE, RELIGION, OR BELIEF. UNQUOTE

QUOTE PERSONAL FREED SHALL BE GUARANTEED IN ACCORDANCE WITH THE LAW UNQUOTE

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QUOTE AN ACCUSED PERSON SHALL BE PRESUMED INNOCENT UNTIL HE HAS BEEN PROVED GUILTY IN A LEGAL TRIAL IN WHICH THE NECESSARY GUARANTEES FOR HIM TO EXERCISE HIS RIGHT OF DEFENSE IN ALL THE STAGES OF INVESTIGATION AND TRIAL HAVE BEEN ENSURED FOR HIM IN ACCORDANCE WITH THE LAW. UNQUOTE

QUOTE NO PHYSICAL OR MENTAL THIRD DEGREE SHALL BE INFLICTED ON AN ACCUSED PERSON. UNQUOTE

QUOTE FREEDOM OF CONSCIENCE SHALL BE ABSOLUTE. UNQUOTE
QUOTE FREEDOM OF OPINION AND FREEDOM TO CARRY OUT
SCIENTIFIC RESEARCH SHALL BE GUARANTEED. UNQUOTE
QUOTE INDIVIDUALS SHALL HAVE THE RIGHT OF PRIVATE
ASSEMBLY WITHOUT OBTAINING PRIOR PERMISSION OR GIVING
PRIOR NOTIFICATION, AND NO MEMBER OF THE SECURITY
FORCES MAY ATTEND SUCH PRIVATE MEETINGS. UNQUOTE
QUOTE PUBLIC RIGHTS AND FREEDOMS LAID DOWN IN THIS
CONSTITUTION SHALL NEITHER BE REGULATED NOR DEFINED
EXCEPT BY A LAW, OR IN ACCORDANCE THEREWITH. SUCH
REGULATING OR DEFINING SHALL NOT BEAR UPON THE INTRINSIC
NATURE OF THE RIGHT OF FREEDOM. UNQUOTE

5. FIRST NATIONAL ASSEMBLY ELECTED UNDER CONSTITUTION HAS
NOT HESITATED TO VOICE CRITICISM OF GOVERNMENT, INCLUDING
GOVERNMENT'S PROGRESS IN IMPLEMENTING FULLY PROVISIONS OF
CONSTITUTION. AT PRESENT, THIS DEBATE FOCUSES ON FATE OF
FIVE BAHRAINIS ARRESTED LAST SPRING DURING PERIOD OF LABOR
UNREST FOR ACTIONS CONSIDERED DETRIMENTAL TO STATE
SECURITY. IN OCTOBER, PRIOR TO COMMENCEMENT OF SECOND
SESSION OF NATIONAL ASSEMBLY AND IN ACCORDANCE WITH CON-
STITUTION, GOVERNMENT ISSUED NEW SECURITY DECREE GENERALLY
CONSIDERED MORE LIBERAL THAN LONGSTANDING DECREE WHICH
IT REPLACED AND UNDER WHICH FIVE DETAINEES HAD BEEN
ARRESTED. IN ACCORDANCE WITH NEW DECREE, DETAINEES ARE
BEING TRIED UNDER STRICT ADHERENCE TO EXISTING PROCEDURAL
SAFEGUARDS AND ARE ENTITLED TO PERIODIC APPEAL REVIEW OF THEIR

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CONTINUED DETENTION. IN ACCORDANCE WITH CONSTITUTION, DECREE IS NOW BEFORE NATIONAL ASSEMBLY FOR APPROVAL AND WILL CEASE TO HAVE FORCE OF LAW RETROACTIVELY SHOULD ASSEMBLY FAIL TO APPROVE IT PRIOR TO END OF CURRENT SESSION IN JUNE.

6. BOTH WITHIN BAHRAIN AND ABROAD THERE HAS BEEN CRITICISM OF GOVERNMENT'S HANDLING OF WHAT IT REGARDS AS SERIOUS SECURITY PROBLEM IN THIS PARTICULAR CASE. FACT REMAINS THAT CASE APPEARS TO HAVE BEEN HANDLED IN STRICT ACCORDANCE WITH BOTH CONSTITUTION AND RELATIVELY LONGSTANDING LEGAL SAFEGUARDS. INEVITABLE CONFLICT BETWEEN STATE'S RESPONSIBILITIES TO ASSURE BOTH LAW AND ORDER AND HUMAN LIBERTIES IS LIKELY TO BE A CONTINUING POLITICAL ISSUE IN BAHRAIN AS IN OTHER COUNTRIES. AT THIS STAGE, HOWEVER, CONCLUSION SEEMS INESCAPABLE TO EMBASSY THAT BAHRAIN HAS MADE SUBSTANTIAL AND ACCELERATED PROGRESS TOWARD ASSURING BASIC HUMAN POLITICAL AND LEGAL RIGHTS AND THAT THIS TREND LIKELY TO CONTINUE.

7. AT PRESENT THERE REMAIN CERTAIN NOTABLE GAPS IN DEVELOPMENT OF POLITICAL, ECONOMIC AND SOCIAL FREEDOMS IN BAHRAIN AS COMPARED TO STANDARDS AND TRADITIONS OF WESTERN DEMOCRACIES. ALTHOUGH CONSTITUTION CALLS FOR QUOTE UNIVERSAL SUFFRAGE, UNQUOTE IN PRACTICE WOMEN HAVE NOT YET BEEN ACCORDED THE VOTE. ALTHOUGH THE CONSTITUTION ESTABLISHES THE RIGHT TO LIMITED OFFICIAL USE

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FORM TRADE UNIONS, LEGISLATION IMPLEMENTING THIS RIGHT IS STILL PENDING BEFORE THE NATIONAL ASSEMBLY. AS IN OTHER NEIGHBORING ARAB STATES, INCLUDING THOSE WITH CONSTITUTIONAL AND REPRESENTATIVE INSTITUTIONS, FORMAL POLITICAL PARTIES ARE NOT PERMITTED. NOTWITHSTANDING THESE GAPS, BAHRAIN TODAY IS GENERALLY CONSIDERED POLITICALLY AND SOCIALLY THE MOST PROGRESSIVE OF THE ARAB STATES IN THE GULF/PENINSULA REGION, WITH A RELATIVELY STRONG AND SOUND TRADITION OF TOLERANCE AND PROTECTION OF INDIVIDUAL RIGHTS.

8. DECON ON RECEIPT.
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